

REMARKS

Claims 11-14 and 16-23 remain withdrawn as a result of an earlier restriction requirement. With reference to the Office Action, the Examiner has rejected all of the remaining claims on prior art grounds. More particularly, Claims 1-5, 9, and 10 have been rejected under 35 USC 102(a) as being anticipated by Kalinski et al. U.S. Patent No. 6,047,826, while Claim 15 has been rejected under 35 USC 102(b) as being anticipated by Discko, Jr. U.S. Patent No. 5,199,567. Lastly, Claims 6-8 have been rejected under 35 USC 103(a) based upon the Kalinski reference in view of Alpern et al. U.S. Patent No. 4,482,053. These claim rejections are respectfully traversed for the following reasons.

Amended independent Claim 1

Applicants' invention as recited in amended independent Claim 1 relates to a package which includes a first product component and a second product component. As recited in amended Claim 1, the package also includes a first holding mechanism for releasably holding the first product component, and a second holding mechanism for releasably holding the second product component such that the second product component is attachable to the first product component without removing either of the product components from the package. Accordingly, amended Claim 1 is directed to subject matter which is similar to the subject matter of original Claim 1, but positively recites the first product component and the second product component.

It is respectfully submitted that the Kalinski et al. reference does not anticipate or make obvious the present invention as recited in amended independent

Claim 1. The Kalinski et al. reference relates to a package tray for a needle. The package tray includes two opposing mounting members, one of which to retain the tip of the needle and the other to retain the needle attachment end. The Kalinski et al. reference does not disclose or suggest a first product component and a second product component recited in amended Claim 1. Even if it is assumed, for the sake of argument only, that the tip of the needle and the needle attachment end are product components, the Kalinski et al. reference is void of any disclosure or suggestion to hold the first product component and the second product component such that **the second product component is attachable to the first product component without removing either of the product components from the package**, as called for in amended Claim 1. Accordingly, the Kalinski et al. reference fails to disclose the package recited in amended Claim 1. Applicants' attorney respectfully submits that the package recited in amended Claim 1 is patentably distinguishable from the package disclosed in the Kalinski et al. reference.

The Alpern reference was only cited against dependent Claims 6-8. Applicants' attorney respectfully submits that the Alpern reference, whether considered individually or in combination with the Kalinski et al. reference, does not anticipate or make obvious the present invention recited in amended Claim 1.

In the foregoing circumstances, amended Claim 1 is believed to be in condition for allowance. Because Claims 2-10 depend, directly or indirectly, from amended Claim 1, they are also believed to be in condition for allowance.

Amended independent Claim 15

The present invention, as claimed in amended independent Claim 15, relates to a package for an applicator nozzle tip and a vial. The package includes a holding mechanism for holding the nozzle tip in a position in which it is attachable to the fluid-containing vial without removing the nozzle tip from the package. Accordingly, amended Claim 15 is directed to subject matter which is similar to the subject matter of original Claim 15, but positively recites the nozzle tip and the vial.

It is respectfully submitted that the Discko, Jr. reference does not anticipate or make obvious the present invention as recited in amended independent Claim 15. The Discko, Jr. reference discloses a dental tray for holding cartridges containing filling material. The Discko, Jr. reference does not disclose or suggest a vial and a nozzle tip that is attachable to the vial. Accordingly, the Discko, Jr. reference does not disclose the improved package of amended Claim 15. Applicants' attorney respectfully submits that the improved package recited in amended Claim 15 is patentably distinguishable from the dental tray disclosed in the Discko, Jr. reference. In such circumstances, amended Claim 15 is believed to be in condition for allowance.

In view of the foregoing amendments and remarks, applicants' attorney respectfully requests reexamination and allowance of pending Claims 1-10 and 15. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to applicants' attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

Appln. No. 10/016,240
Amendment dated July 7, 2004
Reply to Office Action mailed April 8, 2004

No fees are believed to be due in connection with the submittal of this Amendment. If any such fees are due, including extension and petition fees, the Examiner is hereby authorized to charge them to Deposit Account No. 501402.

Respectfully submitted,

McCARTER & ENGLISH, LLP



By: Sanjiv M. Chokshi
Reg. No. 44,080

Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 848-5368

NWK2: 1194590.01